


**INVESTIGATIVE REPORT
NIGHTS #201100708
27 May 2011**

1. Investigator and Identifying Information and Location of Working Papers

a. Investigator and Identifying Information

(b)(6), (b)(7)c



b. Location of working papers. President, Naval Postgraduate School, Inspector General Office, Attn: 00CE, Herrmann Hall West Wing, Room 018, 1 University Circle, Monterey, CA 93943.

2. Background and Summary

a. Hotline Control Number, Date of Receipt, and Tasking Dates.

(1) On 10 March 2011, the complainant emailed the IG office and filed a confidential complaint alleging travel fraud.

(2) On 11 March 2011, the case information was entered into the Naval Inspector General Hotline Information System (NIGHTS) as number 201100708. A Preliminary Inquiry (PI) was conducted that resulted in a recommendation to investigate.

(3) On 18 March 2011 and based on the PI, the NPS IG briefed the NPS President that an IG investigation would be appropriate to address the allegation of travel fraud. The IG Investigation was tasked to the Investigating Officer (IO) on 21 March 2011.

b. Summary of Complaint. A confidential complainant alleged (b)(6), (b)(7)c (b)(6), (b)(7)c, traveled to NPS 8-15 January 2011 on invitational Travel Orders (ITO) when (b)(6), (b)(7)c was a Federal employee. (b)(6), (b)(7)c was listed as a civilian on the orders. Federal employees may not travel on ITOs and any travel would need to be funded with a fund cite through the employee's current agency. The complainant alleged that (b)(6), (b)(7)c approved the orders and vouchers for the travel. Additional allegations emerged regarding the improper approval for ITO travel, a false claim on a travel voucher, and improper certification of travel vouchers.

c. Additional Information.

(1) The following personnel were identified as subjects in this investigation.

(b)(6), (b)(7)c

(2) The NPS NIGHTS database did not reveal any previous substantiated allegations against (b)(6), (b)(7)c

(3) The invitational travel does not appear to be a pre-employment interview because (b)(6), (b)(7)c accepted the position in December 2010. (b)(6), (b)(7)c started work at NPS effective (b)(6), (b)(7)c. (b)(6), (b)(7)c was not a Federal employee.

(4) During witness and subject interviews, the following emergent allegations were ascertained.

(a) (b)(6), (b)(7)c improperly approved the authorization of ITOs for (b)(6), (b)(7)c.

(b) (b)(6), (b)(7)c submitted a false claim on a DD Form 1351-2 Travel Voucher.

(c) (b)(6), (b)(7)c improperly certified invitational travel vouchers for (b)(6), (b)(7)c.

(5) Invitational Travel Authorization (ITA) is synonymous with Invitational Travel Order (ITO). The correct term in the Joint Travel Regulation is ITA, but individuals used the term ITO during the investigation.

d. Summary of the Outcome of Investigation. We investigated a total of eight allegations involving four subjects. All eight allegations were substantiated. More detailed facts and analysis is provided in paragraphs three through ten.

First Allegation: That Mr. (b)(6), (b)(7)c improperly accepted Invitational Travel Orders as a Federal employee in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel. **Substantiated.**

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(1) Facts and Analysis:

(a) (b)(6), (b)(7)c was a Federal employee when he accepted the ITO and did not meet any of the criteria in the Joint Travel Regulation (JTR) Appendix E to warrant invitational travel.

(b) JTR Appendix E states that a person must not be employed by the Government, and lists criteria when travel may be authorized for Government employees.

(c) (b)(6), (b)(7)c was offered and accepted a relocation bonus instead of being provided a Permanent Change of Station (PCS) entitlement.

(d) (b)(6), (b)(7)c had no intention of returning to his home of record when he traveled to Monterey on the ITO, and utilized the travel as an entitlement normally offered when authorized a PCS.

(e) The primary use of the ITO was to use the travel for permanently relocating to Monterey and not for a business meeting.

(2) Recommendations:

(a) Take administrative action per DoD Financial Management Regulation (FMR) Volume 8, Chapter 8 to collect the \$2,135.43 voucher payment for improper ITO travel from (b)(6), (b)(7)c

(b) NPS Travel Officer enforce adherence to rules and regulations governing Joint Travel Regulations and NPS SOP on Invitation Travel Orders/Authorizations.

(c) NPS President directs a Command Evaluation to review internal controls for preventing improper utilization of Invitational Travel Orders/Authorizations at NPS.

Second Allegation: That (b)(6), (b)(7)c made a false claim on a DD Form 1351-2 Travel Voucher on 18 January 2011 indicating a return trip to Virginia, which was never taken, in violation of Title 31 United States Code § 3729 False Claims. **Substantiated.**

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(1) Facts and Analysis:

- (a) (b)(6), (b)(7)c knowingly signed a DD Form 1351-2 travel voucher indicating he return to his home of record in (b)(6), (b)(7)c when he did not.
- (b) (b)(6), (b)(7)c had no intention of returning to (b)(6), (b)(7)c purchased a one-way ticket to Monterey, and claimed a larger rental car for transporting his additional luggage.
- (c) (b)(6), (b)(7)c was responsible for ensuring the accuracy of the DD Form 1351-2 travel voucher even though the voucher was prepared by the travel officer.
- (d) (b)(6), (b)(7)c signature on the travel voucher resulted in a false claim based on incorrect information on the voucher.

(2) Recommendation: Take appropriate administrative action to hold (b)(6), (b)(7)c accountable.

Third Allegation. That (b)(6), (b)(7)c improperly authorized Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations. **Substantiated.**

(1) Facts and Analysis:

- (a) (b)(6), (b)(7)c was the Authorizing Official for the travel orders. He was aware that (b)(6), (b)(7)c was a Federal employee, and reasonably aware of travel decisions and arrangements for Mr. Porter.
- (b) (b)(6), (b)(7)c did not meet any of the criteria established in JTR Appendix E to warrant Invitational Travel.
- (c) (b)(6), (b)(7)c had reasonable knowledge the intent of (b)(6), (b)(7)c travel was to permanently relocate to Monterey and not for a business meeting.
- (d) As the Authorizing Official (b)(6), (b)(7)c is responsible for ensuring ITO travel is proper.
- (e) (b)(6), (b)(7)c admitted using the ITO was his fault because he wasn't aware the orders were ITOs and he didn't look at the orders properly when he approved them.

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(2) Recommendation: Take appropriate administrative action to hold the Authorizing Official, (b)(6), (b)(7)c accountable.

Fourth Allegation. That (b)(6), (b)(7)c improperly authorized Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations. **Substantiated.**

(1) Facts and Analysis:

(a) (b)(6), (b)(7)c did not perform any type of official activity that would warrant invitational travel orders.

(b) (b)(6), (b)(7)c did not meet any of the criteria for invitational travel in JTR Appendix E.

(c) (b)(6), (b)(7)c would not approve ITO travel without (b)(6), (b)(7)c concurrence and approval. (b)(6), (b)(7)c was ok with bringing the spouse to NPS using an ITO, but was unaware of the restrictions for spouse travel outlined in the JTR.

(d) (b)(6), (b)(7)c stated he was familiar with ITOs, yet stated he was not aware of ITO restrictions for (b)(6), (b)(7)c travel.

(e) (b)(6), (b)(7)c did not return to (b)(6), (b)(7)c as indicated on her DD Form 1351-2 travel voucher.

(f) As the Authorizing Official, (b)(6), (b)(7)c is responsible for ensuring ITO travel is proper.

(g) (b)(6), (b)(7)c admitted using the ITO was his fault because he wasn't aware the orders were ITOs and he didn't look at the orders properly when he approved them.

(2) Recommendations:

(a) Take administrative action per DoD Financial Management Regulation (FMR) Volume 8, Chapter 8 to collect the \$532.50 voucher payment for improper ITO travel from (b)(6), (b)(7)c.

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(b) Take appropriate administrative action to hold the Authorizing Official, (b)(6), accountable.

(c) NPS Travel Officer conduct training on requirements/restrictions for Invitational Travel to Authorizing Officials to ensure Invitational Travel Authorizations for individual and spouse travel is in accordance with Joint Travel Regulations.

Fifth Allegation. That [redacted] improperly approved the authorization of Invitational Travel Orders for [redacted] in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations. **Substantiated.**

(1) Facts and Analysis:

(a) [redacted] was aware that [redacted] was a Federal employee. [redacted] admitted the authorization of the ITO by [redacted] was an error.

(b) [redacted] stated that he would not approve the ITO without concurrence.

(c) [redacted] is a subject matter expert on travel and was aware Federal employees are not authorized ITO orders except as outlined in JTR Appendix E. [redacted] stated [redacted] approved use of an ITO for travel in a meeting with [redacted].

(d) Documentary and testimonial evidence showed [redacted] did not meet any of the criteria established in JTR Appendix E to warrant Invitational Travel.

(e) [redacted] approved the use of Invitational Travel Orders as a means of providing travel for [redacted] to NPS.

(2) Recommendations: Take appropriate administrative action to hold [redacted] accountable.

Sixth Allegation. That [redacted] improperly approved the authorization of Invitational Travel Orders for [redacted] in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations. **Substantiated.**

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(1) Facts and Analysis:

(a) (b)(6), (b)(7)c erroneously believed there were no restrictions on invitational travel for (b)(6), (b)(7)c

(b) (b)(6), (b)(7)c stated he discussed with (b)(6), (b)(7)c that he was ok with bringing the (b)(6), (b)(7)c to Monterey with her (b)(6), (b)(7)c. This discussion implied (b)(6), (b)(7)c approved Invitational Travel Orders for (b)(6), (b)(7)c.

(c) (b)(6), (b)(7)c did not perform any type of official activity that would warrant invitational travel orders, or meet any of the criteria for invitational travel in JTR Appendix E.

(d) (b)(6), (b)(7)c was unaware of restrictions and criteria for invitational travel outlined in JTR Appendix E when he approved bringing (b)(6), (b)(7)c to Monterey with her husband.

(2) Recommendations: Take appropriate administrative action to hold (b)(6), (b)(7)c accountable.

Seventh Allegation. That (b)(6), (b)(7)c improperly certified an invitational travel voucher for (b)(6), (b)(7)c in violation of Title 31 United States Code § 3528 Responsibilities and Relief from Liability of Certifying Officials. **Substantiated.**

(1) Facts and Analysis:

(a) (b)(6), (b)(7)c did not meet any of the criteria established in JTR Appendix E to warrant Invitational Travel. The ITO was improper because (b)(6), (b)(7)c should not have been authorized Invitational Travel.

(b) (b)(6), (b)(7)c assisted (b)(6), (b)(7)c by generating/filling out the DD Form 1351-2 travel voucher, printing it, and having (b)(6), (b)(7)c sign the form.

(c) The ITO travel voucher could not be certified unless it showed a roundtrip.

(d) (b)(6), (b)(7)c had personal knowledge that (b)(6), (b)(7)c did not return to (b)(6), (b)(7)c and the certified voucher that included incorrect information indicating (b)(6), (b)(7)c return to (b)(6), (b)(7)c.

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(e) As the voucher payment certifying officer for travel, (b)(6), (b)(7)c is personally accountable and responsible for verifying that all payments are legal, proper, and correct.

(2) Recommendations:

(a) Take appropriate administrative action to hold the (b)(6), (b)(7)c Certifying Officer, (b)(6), (b)(7)c accountable.

(b) (b)(6), (b)(7)c Certifying Officer pursues diligent collection action per DoD FMR Volume 5, Chapter 33 to recover the improper payment to (b)(6), (b)(7)c or be held pecuniarily liable for \$2,135.43 for certifying an improper and incorrect travel voucher.

Eight Allegation. That (b)(6), (b)(7)c improperly certified an invitational travel voucher for (b)(6), (b)(7)c in violation of Title 31 United States Code § 3528 Responsibilities and Relief from Liability of Certifying Officials. **Substantiated.**

(1) Facts and Analysis:

(a) (b)(6), (b)(7)c did not meet any of the criteria established in JTR Appendix E to warrant Invitational Travel. The ITO was improper because (b)(6), (b)(7)c should not have been authorized Invitational Travel.

(b) (b)(6), (b)(7)c assisted (b)(6), (b)(7)c by generating/filling out the DD Form 1351-2 travel voucher, printing it, and having (b)(6), (b)(7)c get his spouse to sign the form.

(c) The ITO travel voucher could not be certified unless it showed a roundtrip.

(d) (b)(6), (b)(7)c had personal knowledge that (b)(6), (b)(7)c did not return to Virginia and the certified voucher that included incorrect information indicating (b)(6), (b)(7)c return to (b)(7)c, (b)(6).

(e) As the (b)(6), (b)(7)c certifying officer for travel, (b)(6), (b)(7)c is personally accountable and responsible for verifying that all payments are legal, proper, and correct.

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(2) Recommendation:

(a) Take appropriate administrative action to hold the Certifying Officer, (b)(6), (b)(7)c accountable.

(b) Certifying Officer pursues diligent collection action per DoD FMR Volume 5, Chapter 33 to recover the improper payment to (b)(6), (b)(7)c or be held pecuniarily liable for \$532.50 for certifying an improper and incorrect travel voucher.

e. List of Allegations.

(1) That (b)(6), (b)(7)c improperly accepted Invitational Travel Orders as a Federal employee in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel. **Substantiated.**

(2) That (b)(6), (b)(7)c made a false claim on a DD Form 1351-2 Travel Voucher on 18 January 2011 indicating a return trip to which was never taken, in violation of Title 31 United States Code § 3729 False Claims. **Substantiated.**

(3) That (b)(6), (b)(7)c improperly authorized Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations. **Substantiated.**

(4) That (b)(6), (b)(7)c improperly authorized Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations. **Substantiated.**

(5) That (b)(6), (b)(7)c improperly approved the authorization of Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations. **Substantiated.**

(6) That (b)(6), (b)(7)c improperly approved the authorization of Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations. **Substantiated.**

(7) That (b)(6), (b)(7)c improperly certified an invitational travel voucher for (b)(6), (b)(7)c in violation of Title 31 United States Code § 3528 Responsibilities and Relief from Liability of Certifying Officials. **Substantiated.**

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(8) That (b)(6), (b)(7)c improperly certified an invitational travel voucher for (b)(6), (b)(7)c in violation of Title 31 United States Code § 3528 Responsibilities and Relief from Liability of Certifying Officials. **Substantiated.**

3. First Allegation. That (b)(6), (b)(7)c improperly accepted Invitational Travel Orders for travel as a Federal employee in violation of the Joint Travel Regulation (JTR), Appendix E: Invitational Travel Authorizations. **Substantiated.**

a. Facts.

(1) Joint Travel Regulation (JTR), Appendix E, Invitational Travel Authorization (ITA), Part 1: Invitation To Travel, paragraph A To whom and when Invitational Travel is Applicable, states, in part, that:

“1. Invitational travel is the term applied to authorize travel by an individual when the person is acting in a capacity that is related directly to, or ICW, official DOD activities. The person must:

a. Not be employed by the Government...”

2. Invitational travel may be authorized by use of an ITA when:

a. It is in the DOD Component's interest to invite a college or university official or a representative of industry to observe the work performed by, or the operations of, an activity;

b. An individual is requested to lecture...

c. An individual or as part of a group, who confers on an official DOD matter with DOD officials and who performs a direct service such as providing advice or guidance to DOD...

d. An individual's attendance at an incentive award ceremony is related to an award presentation...

e. An individual is an attendant for an employee with special needs...

f. An individual is a sponsor, or is in a similar official capacity, and/or participates in a ceremony that is related directly to a DoD Component's interest...

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g. An individual is authorized pre-employment interview travel under JTR, par. C7150...

h. The individual is serving without compensation on a Board of Visitors...

i. A witness is called to testify in administrative proceedings...

j. An individual is called to testify as a witness at a pretrial investigation...

k. Attendance as a complainant at an administrative hearing...

l. An individual is an attendant for an employee...

m. Dependents' Invitational Travel is for a family member. All applicable conditions in items (1) through (5) below must be met before allowances are authorized/approved.

(1) The AO determines that a dependent may travel with the sponsor, at GOV'T expense, when the:

(a) Dependent participates, in an official capacity, at an unquestionably official function, or

(b) The travel is in the national interest because of a diplomatic/public relations benefit...

(2) Travel is allowed on a mission noninterference basis only...

(3) The AO may authorize/approve transportation, per diem and/or other actual expense allowances if the individual's travel is unquestionably mission essential and there is a benefit for DOD beyond fulfilling a representational role...

(4) On a case-by-case basis, Code 2 civilians, 4-star general/flag officers...may authorize/approve transportation, per diem, and/or other expense allowances for their spouses.

(5) The AO for all other travel under this item is the:

(a) Office of the Secretary of Defense Executive Secretary...

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- (b) Chairman of the Joint Chiefs of Staff...
- (c) Combatant Command Commander or designees...
- (d) Secretary of a Military Department, or designees...
- (e) Service Chief or designees...an ITA issued under the authority of par. A2m authorizes GOV'T funded transportation only...

n. A determination is made using the Secretarial Process...the spouse of a civilian employee may travel at GOV'T expense to attend a Service-endorsed training course or briefing and subsequent voluntary service incident to such training or briefing...

o. Travel is by an individual who serves as an organ donor...

p. An individual performing a direct service for the GOV'T...

q. A Service may authorize/approve transportation...of family members of an ill or injured member (*not of a civilian employee*).

r. An auxiliary chaplain...

s. An attendant for a patient authorized travel for specialty care over 100 miles..."

(2) NPS Standing Operating Procedure for Submitting Invitational Travel Orders (ITO) for the Defense Travel System dated 12 July 2010, paragraph 2 ITO Forms, states, in part, that:

"A. The NPS organization which is initiating the ITO identifies a need for travel to be performed...

B. The Organizational Defense Travel Administrator (ODTA)...completes the Sponsoring Department section on the back of the ITO Travel Request Form..."

(3) Human Resource Office (HRO) emails show (b)(6), (b)(7)c was selected for the Budget Department (b)(6), (b)(7)c position on 4 November 2010, final offer was made and accepted on 13 December 2010, and the start date was 18 January 2011. (b)(6), (b)(7)c was not offered a Permanent Change of Station (PCS), but offered a relocation bonus.

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(4) Email dated 14 December 2010 from (b)(6), (b)(7)c
(b)(6), (b)(7)c Travel Account (b)(6), (b)(7)c Subj: Househunting TDY. (b)(6), (b)(7)c
(b)(6), (b)(7)c would be working with him to create travel orders, and confirms the travel office will create Invitational Travel Orders for him and his (b)(6), (b)(7)c

(5) Defense Travel System (DTS) invitational travel authorization for (b)(6), (b)(7)c shows an itinerary from his residence in (b)(6), (b)(7)c to Monterey and return to his residence from 8-15 January 2011. The authorization was generated by (b)(6), (b)(7)c on 15 December 2010 and approved by (b)(6), (b)(7)c on 17 December 2010.

(6) The DD Form 1351-2 Travel Voucher was signed by (b)(6), (b)(7)c on 18 January 2011 and the DTS travel voucher was generated. (b)(6), (b)(7)c shows his itinerary in DD Form 1351-2 block 15 as travel from his residence in (b)(6), (b)(7)c to Monterey and return to his residence in (b)(6), (b)(7)c. The travel voucher shows that he personally procured a one-way ticket for \$481.20, charged \$71 for rental car gas, \$518.73 for a rental car, \$532 for lodging, and \$1,064.50 for Per Diem. The total claimed and paid was \$2,135.43. (b)(6), (b)(7)c certifying officer, approved the voucher.

(7) Email dated 18 January 2011 from (b)(6), (b)(7)c, Subj: Rental Car Upgrade for (b)(6), (b)(7)c asked (b)(6), (b)(7)c if he would approve a rental car upgrade for (b)(6), (b)(7)c because he needed a larger car due to excess baggage. This request was after (b)(6), (b)(7)c traveled. (b)(6), (b)(7)c approved the upgrade the same day. The email was sent when (b)(6), (b)(7)c filed his travel voucher on 18 January 2011.

(8) In a 31 March 2011 interview, (b)(6), (b)(7)c stated he offered a "business trip" out to NPS during the job offer discussion with (b)(6), (b)(7)c. The "business trip" was for meetings with supervisors, staff, and to understand the organization. (b)(6), (b)(7)c stated he left the travel arrangements up to his deputy and travel department head, and did not get into the travel methodology or mechanics. (b)(6), (b)(7)c stated he wanted (b)(6), (b)(7)c out to NPS in early December instead of January, but there were delays because his (b)(7)c, had a complicated (b)(6), (b)(7)c and due to the holiday periods. (b)(6), (b)(7)c admitted after reviewing the JTR that his deputy, (b)(6), (b)(7)c, made an error in regards to bringing (b)(6), (b)(7)c out to NPS on an ITO. (b)(6), (b)(7)c stated NPS paid a minimal amount for the travel, and he was not concerned that (b)(6), (b)(7)c traveled the week prior to his start date. (b)(6), (b)(7)c was aware (b)(6), (b)(7)c did not travel back to (b)(7)c, (b)(6) on 15 January 2011.

(9) In a 30 March 2011 interview, (b)(6), (b)(7)c stated he could not recall any specific details about discussing a relocation bonus for (b)(6), (b)(7)c is (b)(6), (b)(7)c supervisor. (b)(6), (b)(7)c stated he may have had a conversation with (b)(6), (b)(7)c about bringing (b)(6), (b)(7)c out to NPS to have face-to-face dialog and discuss job responsibilities. (b)(6), (b)(7)c stated there were cases when he deferred to the travel office for their guidance and expertise. (b)(6), (b)(7)c asked (b)(6), (b)(7)c if she could help facilitate travel for (b)(6), (b)(7)c and he authorized the ITO on 17 December. (b)(6), (b)(7)c

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stated he and (b)(6), (b)(7)(c) decided mutually that it was a good idea to bring (b)(6), (b)(7)(c) on travel out to NPS. (b)(6), (b)(7)(c) stated he wouldn't approve the travel without (b)(6), (b)(7)(c) concurrence, and he was always looking for (b)(6), (b)(7)(c) approval. (b)(6), (b)(7)(c) met with (b)(6), (b)(7)(c) when he traveled to NPS and talked about job responsibilities, realm of authority, general expectations, staff related issues, areas of improvement to address, and general oversight. (b)(6), (b)(7)(c) was aware (b)(6), (b)(7)(c) did not return to (b)(6), (b)(7)(c) in January 2011. (b)(6), (b)(7)(c) stated he was familiar with ITOs and that Federal employees are generally not authorized ITOs. (b)(6), (b)(7)(c) admitted, in hindsight, using the ITO was his fault because he wasn't aware the orders were ITOs and he didn't look at the orders properly when he approved them.

(10) In a 28 March and 26 April 2011 interview, (b)(6), (b)(7)(c) stated she recalled having a meeting with (b)(6), (b)(7)(c) about how to fund travel for (b)(6), (b)(7)(c) wanted to bring (b)(6), (b)(7)(c) out to NPS prior to him starting when he was not authorized a PCS. (b)(6), (b)(7)(c) was aware (b)(6), (b)(7)(c) was a Federal employee. (b)(6), (b)(7)(c) stated (b)(6), (b)(7)(c) directed an ITO be used to fund the travel. (b)(6), (b)(7)(c) initially stated the travel was for house hunting, but later stated the travel was for a planning meeting and to bring the spouse house hunting. (b)(6), (b)(7)(c) stated (b)(6), (b)(7)(c) is the (b)(6), (b)(7)(c) for all travel in the Finance Department, and the (b)(6), (b)(7)(c) makes the determination for spouse travel. (b)(6), (b)(7)(c) stated ITOs are sometimes used for Federal employees. She stated (b)(6), (b)(7)(c) would approve the exception cases for ITOs such as when an organization cannot use the Line of Accounting (LOA) provided by NPS. (b)(6), (b)(7)(c) stated she would consult with (b)(6), (b)(7)(c) three to four times a year to get an exception for using an ITO. (b)(6), (b)(7)(c) stated there was a precedent set for ITO travel when prospective attaché students were put on ITOs along with their spouses to travel for interviews. Also, ITOs were issued for prospective faculty employees coming to a meeting and then doing some house hunting. (b)(6), (b)(7)(c) was aware of the JTR and the local SOP on ITOs. The travel office functions as the Organizational Defense Travel Administrator (ODTA) for the Comptroller office. (b)(6), (b)(7)(c) was the certifying officer for payment of the ITO travel voucher for (b)(6), (b)(7)(c). (b)(6), (b)(7)(c) knew that (b)(6), (b)(7)(c) did not return to Virginia. (b)(6), (b)(7)(c) stated she recently had travel training in April 2011, and recognized the ITO travel for (b)(6), (b)(7)(c) should have been a routine travel order.

(11) In a 24 March 2011 interview (b)(6), (b)(7)(c), Travel (b)(6), (b)(7)(c) stated (b)(6), (b)(7)(c) asked her to help with the ITO travel for (b)(7)(c), (b)(6) believed the reason for the travel was a new hire interview. Multiple travelers were listed because (b)(6), (b)(7)(c); (b)(6), (b)(7)(c) was traveling with him. The travel authorization was routed to (b)(6), (b)(7)(c) for approval.

(12) In a 29 March and 27 April 2011 interview (b)(6), (b)(7)(c) stated he worked for the Secretary of the Navy for just over three years prior to accepting the position of Budget Department (b)(6), (b)(7)(c) at NPS. (b)(6), (b)(7)(c) stated PCS costs were not authorized, but he

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received a relocation bonus. (b)(6), (b)(7)c said (b)(6), (b)(7)c wanted to bring him out for a "pre-planning meeting, meet the staff, discuss my roles and responsibilities, expectations, initial meet and greet type of thing" and this conversation took place in early December. He also spoke to (b)(6), (b)(7)c about the trip about the same time in December. (b)(6), (b)(7)c stated he received (b)(6), (b)(7)c approval to travel to NPS in January because his (b)(6) just had a (b)(6) and there were some complications with the recovery. (b)(6), (b)(7)c was contacted by (b)(6), (b)(7)c about arranging the travel to NPS and arranged to travel in January. (b)(6), (b)(7)c stated he was not a travel expert and assumed the individuals handling the travel knew what they were doing.

b. Analysis/Discussion/Conclusion

(1) (b)(6), (b)(7)c testified they were aware (b)(6), (b)(7)c was traveling out to NPS 8-15 January, would be officially starting work on 18 January 2011, and would not be returning to (b)(6), (b)(7)c. Documentary and testimonial evidence shows (b)(6), (b)(7)c was reasonably aware of travel decisions and arrangements for (b)(6), (b)(7)c. (b)(6), (b)(7)c was the (b)(6), (b)(7)c for the ITO and approved a rental car upgrade during the voucher filing due to excess baggage. As the (b)(6) for travel, (b)(6), (b)(7)c stated he was familiar with ITOs yet knowingly approved the ITO travel authorization in direct violation of the JTR because (b)(6), (b)(7)c was a Federal employee and did not meet travel criteria in JTR, Appendix E. (b)(6), (b)(7)c testified he would not approve the travel without the concurrence of (b)(6), (b)(7)c and this was supported by testimony from (b)(6), (b)(7)c. (b)(6), (b)(7)c had reasonable knowledge (b)(6), (b)(7)c was permanently traveling to Monterey on Invitational Travel Orders.

(2) There were multiple factors that prevented (b)(6), (b)(7)c from traveling until the week prior to his official start date on 18 January 2011, but travel could not commence before (b)(6), (b)(7)c accepted the position on 13 December. Although (b)(6), (b)(7)c denied specifically discussing using an ITO as the means (mechanics/methodology) to get (b)(6), (b)(7)c out to NPS, conflicting testimony was provided by (b)(6), (b)(7)c. (b)(6), (b)(7)c admitted that using an ITO was an error. The intent of the "business trip" was valid, but considering the acceptance date and the start date, the true intent of the travel was to permanently relocate (b)(6), (b)(7)c and his family to Monterey effectively providing a PCS entitlement. Additionally, initial emails on the travel indicated the purpose was for house hunting. The primary use of the ITO was to use the travel for permanently relocating to Monterey and not for a business meeting.

(3) (b)(6), (b)(7)c is a subject matter expert on travel and was aware Federal employees are not authorized ITO orders. (b)(6), (b)(7)c testified (b)(6), (b)(7)c approved use of an ITO for travel in a meeting with (b)(6), (b)(7)c. She directed the travel order be generated based on guidance from Mr. Shishido and Mr. Little, and certified the payment of the voucher. There was no indication that the travel office utilized the

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NPS SOP ITO Travel Form. Although (b)(6), (b)(7)c believed the travel was proper based on her meeting with (b)(6), (b)(7)c the preponderance of credible evidence shows (b)(6), (b)(7)c was not authorized an ITO. Since the ITO was improper, the travel voucher is considered improper.

(4) (b)(6), (b)(7)c accepted the position on 13 December 2010 and made travel arrangements for his travel starting on 14 December. The ITO was approved by (b)(6), (b)(7)c on 17 December. (b)(6), (b)(7)c arranged his availability date for travel to coincide with his official start date and used the "business trip" offer by NPS to permanently move himself and his family to Monterey. (b)(6), (b)(7)c had no intention of returning to (b)(6), (b)(7)c (b)(6), (b)(7)c was not provided a PCS, and he effectively utilized the travel as an entitlement normally offered when authorized a PCS. (b)(6), (b)(7)c relocation bonus should have been used to offset the expense of traveling to Monterey. (b)(6), (b)(7)c testified that he relied on the individuals handling the travel arrangements to know what they were doing, and believed he had received a proper authorization for travel to NPS. The preponderance of evidence shows (b)(6), (b)(7)c was a Federal employee and did not meet any of the criteria established in JTR, Appendix E to warrant Invitational Travel when he accepted the Invitational Travel Orders.

(5) The allegation that (b)(6), (b)(7)c improperly accepted Invitational Travel Orders for travel as a Federal employee in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations is **substantiated**.

c. Recommendations.

(1) Take administrative action per DoD Financial Management Regulation (FMR) Volume 8, Chapter 8 to collect the \$2,135.43 voucher payment for improper ITO travel from (b)(6), (b)(7)c

(2) NPS Travel Officer enforce adherence to rules and regulations governing Joint Travel Regulations and NPS SOP on Invitation Travel Orders/Authorizations.

(3) NPS President directs a Command Evaluation to review internal controls for preventing improper utilization of Invitational Travel Orders/Authorizations at NPS.

d. Disposition.

4. Second Allegation. That (b)(6), (b)(7)c made a false claim on a DD Form 1351-2 Travel Voucher on 18 January 2011 indicating a return trip to (b)(6), (b)(7)c which was never taken, in violation of Title 31 United States Code § 3729 False Claims. **Substantiated.**

a. Facts.

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(1) Title 31 United States Code § 3729 False Claims, states, in part, that:

“(a) Liability for Certain Acts.- Any person who-

(1) knowingly presents, or causes to be presented, to an officer or employee of the United States Government or a member of the Armed Forces of the United States a false or fraudulent claim for payment or approval;

(2) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the Government;

(3) conspires to defraud the Government by getting a false or fraudulent claim allowed or paid...

(b) Knowing and Knowingly Defined.--For purposes of this section, the terms “knowing” and “knowingly” mean that a person, with respect to information-

(1) has actual knowledge of the information;

(2) acts in deliberate ignorance of the truth or falsity of the information; or

(3) acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required.

(c) Claim Defined.--For purposes of this section, “claim” includes any request or demand, whether under a contract or otherwise, for money or property which is made to a contractor, grantee, or other recipient if the United States Government provides any portion of the money or property which is requested or demanded, or if the Government will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.”

(2) The DD Form 1351-2 Travel Voucher was signed by (b)(6), (b)(7)c on 18 January 2011 and the DTS travel voucher was generated. (b)(6), (b)(7)c shows his itinerary in DD Form 1351-2 block 15 as travel from his residence in (b)(6), (b)(7)c to Monterey and return to his residence in (b)(6), (b)(7)c. The travel voucher shows that he personally procured a one-way ticket for \$481.20, charged \$71 for rental car gas, \$518.73 for a rental car, \$532 for

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lodging, and \$1,064.50 for Per Diem. The total claimed and paid was \$2,135.43. (b)(6), (b)(7)c certifying officer, approved the voucher.

(3) Email dated 18 January 2011 from (b)(6), (b)(7)c Subj: Rental Car Upgrade for (b)(6), (b)(7)c asked (b)(6), (b)(7)c if he would approve after the fact a rental car upgrade for (b)(6), (b)(7)c because he needed a larger car due to excess baggage. (b)(6), (b)(7)c approved the upgrade the same day. The email was sent when (b)(6), (b)(7)c filed his travel voucher for travel on 18 January 2011.

(4) In a 28 March and 26 April 2011 interview, (b)(6), (b)(7)c stated she recalled having a meeting with (b)(6), (b)(7)c about how to fund travel for (b)(6), (b)(7)c Mr. Little and Mr. Shishido wanted to bring (b)(6), (b)(7)c out to NPS prior to him starting when he was not authorized a PCS. (b)(6), (b)(7)c initially stated the travel was for house hunting, but later stated the travel was for a planning meeting and to bring the spouse house hunting. (b)(6), (b)(7)c stated she assisted (b)(6), (b)(7)c with filing his travel voucher by inputting the travel data and printing out the DD Form 1351-2 for him to sign. (b)(6), (b)(7)c stated there was no difference in terms of entitlements and no additional per diem for not taking the return trip off the voucher. (b)(6), (b)(7)c stated (b)(6), (b)(7)c was authorized to return to (b)(6), (b)(7)c and it was (b)(6), (b)(7)c choice not to return. (b)(6), (b)(7)c stated that DTS needed a starting point and ending point on the travel voucher to properly process the payment. Ms. Aguilar knew that (b)(6), (b)(7)c did not return to (b)(6), (b)(7)c (b)(6), (b)(7)c was the certifying officer for payment of the ITO travel voucher for (b)(6), (b)(7)c (b)(6), (b)(7)c stated she recently had travel training in April 2011, and recognized the ITO travel for (b)(6), (b)(7)c should have been a routine travel order.

(5) In a 29 March and 27 April 2011 interview, (b)(6), (b)(7)c wanted to bring him out for a "pre-planning meeting, meet the staff, discuss my roles and responsibilities, expectations, initial meet and greet type of thing" and this conversation took place in early December. Mr. Porter stated he received (b)(6), (b)(7)c approval to travel to NPS in January because his wife just had a baby and there were some complications with the recovery. (b)(6), (b)(7)c was contacted by (b)(6), (b)(7)c (b)(6), (b)(7)c about arranging the travel to NPS and arranged to travel in January. (b)(7)c (b)(6), (b)(7)c stated he was not a travel expert and assumed the individuals handling the travel knew what they were doing. (b)(6), (b)(7)c stated (b)(6), (b)(7)c asking if she could assist (b)(6), (b)(7)c with filing his travel voucher. (b)(6), (b)(7)c stated (b)(6), (b)(7)c assisted him with preparing the travel voucher by entering all the information on her computer, printing out the voucher, and then giving it to him to sign. (b)(6), (b)(7)c stated he really did not look at the return portion in block 15 indicating the return to (b)(7)c, (b)(6) because he was focused on the reimbursement of expenses based on his receipts. (b)(6), (b)(7)c stated he had "pretty much been saying the whole time" that he didn't go home, and didn't know how he missed the document showing he returned to (b)(6), (b)(7)c

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b. Analysis/Discussion/Conclusion

(1) (b)(6), (b)(7)c testified she assisted (b)(7)c by generating the DD Form 1351-2, printing it, and having (b)(6), (b)(7)c sign the form. The form was used to input data into DTS in order for (b)(6), (b)(7)c to get reimbursed. (b)(6), (b)(7)c testified (b)(6), (b)(7)c did not receive any additional entitlements for the travel based on the DD Form 1351-2 showing he returned to (b)(6), (b)(7)c. (b)(6), (b)(7)c believed (b)(6), (b)(7)c was properly authorized the trip and made a choice not to return to (b)(6), (b)(7)c. Testimony shows that (b)(6), (b)(7)c belief that DTS needed a starting point and ending point to properly process the payment resulted in her actions to include the return to (b)(6), (b)(7)c on the DD Form 1351-2. (b)(6), (b)(7)c actions as a travel expert were independent of any intention to conspire with (b)(6), (b)(7)c and directly resulted in (b)(6), (b)(7)c signing the DD Form 1351-2 that showed he returned to (b)(6), (b)(7)c.

(2) (b)(6), (b)(7)c testified he did not return to (b)(6), (b)(7)c. (b)(6), (b)(7)c he was not a travel expert, and assumed the individuals handling the travel knew what they were doing. Testimony by (b)(6), (b)(7)c supported the evidence that (b)(6), (b)(7)c relied on her to generate the data on the DD Form 1351-2. (b)(6), (b)(7)c testified he focused on the reimbursement data and not on the itinerary portion that showed he returned to (b)(6), (b)(7)c. The preponderance of credible evidence in paragraph three indicated (b)(6), (b)(7)c was not authorized the ITO travel. (b)(6), (b)(7)c never intended to return to (b)(6), (b)(7)c based on his own omission, the fact that he needed a larger rental car for his luggage, and the fact that he claim a one-way airline ticket. (b)(6), (b)(7)c travel voucher showed he traveled a round trip when he knowingly did not take it. (b)(6), (b)(7)c is responsible for ensuring the accuracy of the claim. The preponderance of credible evidence shows (b)(6), (b)(7)c signature on the DD Form 1351-2 resulted in a false claim based on incorrect information on the travel voucher.

(3) The allegation that (b)(6), (b)(7)c made a false claim on a DD Form 1351-2 Travel Voucher on 18 January 2011 indicting a return trip to (b)(6), (b)(7)c which was never taken in violation of Title 31 United States Code § 3729 False Claims is **substantiated**.

c. Recommendations. Take appropriate administrative action to hold (b)(6), (b)(7)c accountable.

5. Third Allegation. That (b)(6), (b)(7)c improperly authorized Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations. **Substantiated.**

a. Facts.

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(1) See facts in paragraph 3a.

(2) Defense Travel System (DTS) invitational travel authorization for (b)(6), (b)(7)c shows an itinerary from his residence in (b)(6), (b)(7)c to Monterey and return to his residence from 8-15 January 2011. The authorization was generated by (b)(6), (b)(7)c on 15 December 2010 and approved by (b)(6), (b)(7)c on 17 December 2010.

(3) Email dated 14 December 2010 from (b)(6), (b)(7)c
(b)(6), (b)(7)c Subj: Househunting TDY. (b)(6), (b)(7)c tells (b)(6), (b)(7)c would be working with him to create travel orders, and confirms the travel office will create Invitational Travel Orders for him and his (b)(7)c, (b)(6).

(4) Email dated 15 December 2010 from (b)(7)c, (b)(6)
(b)(6), (b)(7)c Subj: Househunting TDY. (b)(7)c. He will fly into Monterey on 8 January 2011.

(5) Email dated 17 December 2010 from (b)(6), (b)(7)c Subj:
(b)(6), (b)(7)c called asking why she needed his credit card information. (b)(6), (b)(7)c replies to (b)(6), (b)(7)c, she needed the information to reserve the hotel room.

(6) Email dated 17 December 2010 from (b)(6), (b)(7)c
(b)(6), (b)(7)c and cc'd to (b)(6), (b)(7)c Subj:
Job Order to be used for (b)(6), (b)(7)c travel. (b)(6), (b)(7)c provided the job order for the travel order Line Of Accounting (LOA).

(7) In a 29 March and 27 April 2011 interview (b)(6), (b)(7)c stated (b)(6), (b)(7)c wanted to bring him out for a "pre-planning meeting, meet the staff, discuss my roles and responsibilities, expectations, initial meet and greet type of thing" and this conversation took place in early December. He also spoke to (b)(6), (b)(7)c about the trip about the same time in December. (b)(6), (b)(7)c stated (b)(6), (b)(7)c wanted him to travel in early December, but received approval from (b)(6), (b)(7)c to travel to NPS in January because (b)(6), (b)(7)c just had a (b)(7)c, (b)(6) and there were complications with the (b)(6), (b)(7)c

(8) In a 31 March 2011 interview (b)(6), (b)(7)c stated he offered a "business trip" out to NPS during the job offer discussion with (b)(6), (b)(7)c. The "business trip" was for meetings with supervisors, staff, and to understand the organization. (b)(6), (b)(7)c stated he left the travel arrangements up to his deputy and travel department head, and did not get into the travel methodology or mechanics. (b)(6), (b)(7)c stated that he wanted (b)(6), (b)(7)c out to NPS in early December than in January, but there were delays because his wife was pregnant, she had complications, and the holiday periods. (b)(6), (b)(7)c admitted after reviewing the JTR that his deputy (b)(6), (b)(7)c, made an error in regards

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to bringing (b)(6), (b)(7)c out to NPS on an ITO. (b)(6), (b)(7)c stated (b)(6), (b)(7)c was the Approving Official (AO) for the travel.

(9) In a 28 March and 26 April 2011 interview, (b)(6), (b)(7)c stated she recalled having a meeting with (b)(6), (b)(7)c and (b)(6), (b)(7)c about how to fund travel for (b)(6), (b)(7)c (b)(7)c wanted to bring (b)(6), (b)(7)c out to NPS prior to him starting when he was not authorized a PCS. (b)(6), (b)(7)c was aware (b)(6), (b)(7)c was a Federal employee. (b)(6), (b)(7)c stated (b)(6), (b)(7)c directed an ITO be used to fund the travel. (b)(6), initially stated the travel was for house hunting, but later stated the travel was for a planning meeting and to bring the spouse house hunting. (b)(6), stated (b)(6), is the Approving Official (AO) for all travel in the Finance Department. (b)(6), stated ITOs are sometimes used for Federal employees. She stated (b)(6), would approve the exception cases for ITOs.

(10) In a 24 March 2011 interview (b)(6), (b)(7)c stated that (b)(6), (b)(7)c asked her to help with the ITO travel for (b)(6), (b)(7)c believed the reason for the travel was a new hire interview. The travel authorization was routed to (b)(6), (b)(7)c for approval.

(11) In a 30 March 2011 interview, (b)(6), (b)(7)c stated he was aware that (b)(6), (b)(7)c was a Federal employee. (b)(6), (b)(7)c stated he may have had a conversation with (b)(6), (b)(7)c about bringing (b)(6), (b)(7)c out to NPS to have face-to-face dialog and discuss job responsibilities. (b)(6), (b)(7)c stated there were cases when he deferred to the travel office for their guidance and expertise. (b)(6), (b)(7)c asked (b)(6), (b)(7)c if she could help facilitate travel for (b)(6), (b)(7)c and he authorized the ITO on 17 December. (b)(6), (b)(7)c stated he and (b)(6), (b)(7)c decided mutually that it was a good idea to bring (b)(6), (b)(7)c on travel out to NPS. (b)(6), (b)(7)c stated he wouldn't approve the travel without (b)(6), (b)(7)c concurrence, and he was always looking for (b)(6), (b)(7)c approval. (b)(6), (b)(7)c met with (b)(6), (b)(7)c when he traveled out here and talked about job responsibilities, realm of authority, general expectations, staff related issues, areas of improvement to address, and general oversight. (b)(6), (b)(7)c was aware (b)(6), (b)(7)c did not return to (b)(6), (b)(7)c stated he was familiar with ITOs and that Federal employees are generally not authorized ITOs. (b)(6), (b)(7)c admitted, in hindsight, using the ITO was his fault because he wasn't aware the orders were ITOs and he didn't look at the orders properly when he approved them.

b. Analysis/Discussion/Conclusion

(1) See analysis in 3b.

(2) (b)(6), (b)(7)c were aware (b)(6), (b)(7)c was a Federal employee working in the (b)(6), (b)(7)c Navy Office when he accepted the position at (b)(6), (b)(7)c

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NPS. (b)(6), (b)(7)c did not meet any of the criteria established in JTR Appendix E to warrant Invitational Travel. Initial emails on the travel indicated the purpose was for house hunting. (b)(6), (b)(7)c admitted that using an ITO was an error.

(3) (b)(6), (b)(7)c arranged his availability date for travel to coincide with his official start date and used the "business trip" offer by NPS to permanently move himself and his family to Monterey. (b)(6), (b)(7)c had no intention of returning to (b)(7)c, (b)(6) and effectively utilized the travel as an entitlement normally offered when someone is authorized a PCS.

(4) Although (b)(6), (b)(7)c testified he denied specifically discussing using an ITO as the means (mechanics/methodology) to get (b)(6), (b)(7)c out to NPS, conflicting testimony was provided by Mr. Shishido and Ms. Aguilar. (b)(6), (b)(7)c testified (b)(6), (b)(7)c approved to use an ITO for travel in a meeting with (b)(6), (b)(7)c. (b)(6), (b)(7)c testified that he would not approve the travel without the concurrence of (b)(6), (b)(7)c. The intent of the "business trip" was valid, but considering (b)(6), (b)(7)c acceptance date and the start date, the true intent of the travel was to permanently relocate (b)(6), (b)(7)c and his family to Monterey effectively providing a PCS entitlement.

(5) Documentary and testimonial evidence shows (b)(6), (b)(7)c was reasonably aware of travel decisions and arrangements for (b)(7)c, (b)(6). (b)(6), (b)(7)c testified (b)(6), (b)(7)c approved use of an ITO for travel in a meeting with (b)(6), (b)(7)c and (b)(6), (b)(7)c. (b)(6), (b)(7)c testified there was discussion about travel, but not the methodology used. (b)(6), (b)(7)c testified he spoke to (b)(6), (b)(7)c about travel in early December, and emails were exchanged indicating (b)(6), (b)(7)c involvement in travel arrangements. Documentary and testimonial evidence shows (b)(6), (b)(7)c approved (b)(6), (b)(7)c invitational travel, and approved a rental car upgrade during the voucher filing due to excess baggage for a one week trip. Although (b)(6), (b)(7)c testified he was familiar with ITOs, he knowingly approved the ITO travel authorization in direct violation to the JTR because (b)(6), (b)(7)c was a Federal employee, did not meet any of the criteria established in JTR Appendix E to warrant Invitational Travel, and (b)(6), (b)(7)c was using the ITO to permanently travel to Monterey. (b)(6), (b)(7)c had reasonable knowledge the intent of (b)(6), (b)(7)c travel was to permanently relocate to Monterey. (b)(6), (b)(7)c admitted using the ITO was his fault because he did not look at the orders properly when he approved them. The preponderance of credible evidence shows (b)(6), (b)(7)c knowingly approved the ITO orders for (b)(6), (b)(7)c when he was not authorized as a Federal employee and did not meet any of the criteria in JTR, Appendix E to warrant Invitational Travel.

(6) The allegation that (b)(6), (b)(7)c improperly authorized Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations is **substantiated**.

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c. Recommendations. Take appropriate action to hold the Authorizing Official, (b)(6), (b)(7)c accountable.

d. Disposition.

6. Fourth Allegation. That (b)(6), (b)(7)c improperly authorized Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations. **Substantiated.**

a. Facts.

(1) See facts in paragraph 3a and 5a.

(2) Defense Travel System (DTS) invitational travel authorization for (b)(6), (b)(7)c shows an itinerary from her residence in (b)(7)c, (b)(6) to Monterey and return to her residence from 8-15 January 2011. The authorization was generated by (b)(6), (b)(7)c on 15 December 2010, adjusted by (b)(6), (b)(7)c on 17 December 2010, and approved by (b)(6), (b)(7)c on 18 January 2011.

(3) The DD Form 1351-2, Travel Voucher was signed by (b)(6), (b)(7)c on 18 January 2011 and the DTS travel voucher. (b)(6), (b)(7)c shows her itinerary in DD Form 1351-2 block 15 as travel from her residence in (b)(6), (b)(7)c to Monterey and return to her residence in (b)(7)c, (b)(6). The travel voucher shows that she received \$532.50 Per Diem for the travel. The total claimed and paid was \$532.50. (b)(6), (b)(7)c, certifying officer, approved the voucher on 19 January 2011.

(4) Email dated 14 December 2010 from (b)(6), (b)(7)c (b)(6), (b)(7)c, Subj: Househunting TDY. (b)(6), (b)(7)c tells (b)(6), (b)(7)c would be working with him to create travel orders, and confirms the travel office will create Invitational Travel Orders for him and his (b)(6), (b)(7)c.

(5) Email dated 17 December 2010 from (b)(6), (b)(7)c (b)(6), (b)(7)c Subj: More about lodging a lodging allowance and tells her that (b)(6), (b)(7)c should not both be entitled to separate lodging allowances. (b)(6), (b)(7)c replies to (b)(6), (b)(7)c that "Lodging for (b)(6), (b)(7)c has been removed...You can Approve now."

(6) In a 29 March and 27 April 2011 interview, (b)(6), (b)(7)c stated PCS costs were not authorized, but he received a relocation bonus. (b)(6), (b)(7)c stated he was contacted by (b)(6), (b)(7)c about arranging the travel and asked the travel be arranged because he a lot of things going on. He told (b)(6), (b)(7)c that he wanted to bring his (b)(7)c and (b)(6), (b)(7)c asked for his (b)(7)c, (b)(6) information. (b)(6), (b)(7)c initially

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stated he didn't remember specifically if his (b)(6) received an ITO until the orders were shown to him, and then stated he didn't remember because he thought the orders were "just for myself." (b)(6), (b)(7)c stated his (b)(6) stayed at the hotel room during the trip and she did not return to (b)(7)c

(7) In a 31 March 2011 interview, (b)(6), (b)(7)c stated during the offer discussion with (b)(6), (b)(7)c he offered a "business trip" out to NPS and left the travel arrangements up to his deputy and travel department head. (b)(6), (b)(7)c stated his opinion and perspective of (b)(6), (b)(7)c travel was to give the spouse the opportunity to come out and see the area, be here during the time we're meeting with him, have the opportunity to see if this is a place to live, or look for places to live or all that type of thing. (b)(6), (b)(7)c believed since the (b)(6), (b)(7)c were moving 3,000 miles, it was appropriate for a spouse to take a look at the area that she may be living in. (b)(6), (b)(7)c stated he reviewed the JTR and believed there was no restriction on the invitational travel for (b)(6), (b)(7)c and stated "an invitation to travel for a spouse or for anyone for that matter... invitational travel orders are issued for a variety of reasons which are acceptable." (b)(6), (b)(7)c stated there was discussion with (b)(6), (b)(7)c about the spouse travel and he did not have the "mechanics or specific of the travel, but he was ok with bringing the spouse to NPS. (b)(6), (b)(7)c stated (b)(6), (b)(7)c was the Authorizing Official (AO) for the travel.

(8) In a 28 March and 26 April 2011 interview, (b)(6), (b)(7)c stated that (b)(6), (b)(7)c is the (b)(6), (b)(7)c for all travel in the Finance Department, and the AO makes the determination for spouse travel. (b)(6), (b)(7)c initially stated the travel for (b)(6), (b)(7)c was for house hunting, but later stated the travel was for a planning meeting and to bring his spouse house hunting. (b)(6), (b)(7)c was in a meeting when (b)(6), (b)(7)c approved the spouse travel. (b)(6), (b)(7)c stated that she was aware of the JTR and the local SOP on ITOs. (b)(6), (b)(7)c was the certifying officer for payment of the ITO travel voucher for (b)(6), (b)(7)c

(9) In a 24 March 2011 interview, (b)(6), (b)(7)c stated that (b)(6), (b)(7)c asked her to help with the ITO travel for (b)(6), (b)(7)c (b)(6), (b)(7)c believed the reason for the travel was a new hire interview. Multiple travelers were listed because (b)(6), (b)(7)c spouse was traveling with him. The travel authorization for (b)(6), (b)(7)c was routed to (b)(6), (b)(7)c for approval.

(10) In a 30 March 2011 interview, (b)(6), (b)(7)c stated he did not recall the Travel Authorization for (b)(6), (b)(7)c, but recalled authorizing travel for (b)(6), (b)(7)c stated there were cases when he deferred to the travel office for their guidance and expertise. (b)(6), (b)(7)c recalled asking (b)(6), (b)(7)c if she could help facilitate travel for (b)(6), (b)(7)c stated he was familiar with ITOs, but did not know about spouse restrictions for ITO travel. (b)(6), (b)(7)c admitted, in hindsight, using the ITO was his fault because he wasn't aware the orders were ITOs and he didn't look at the orders properly when he approved them.

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b. Analysis/Discussion/Conclusion

(1) At no time did (b)(6), (b)(7)c testify (b)(6), (b)(7)c was performing any type of official activity that would warrant Invitational Travel Orders as outlined in JTR, Appendix E. There preponderance of documentary and testimonial evidence shows that (b)(6), (b)(7)c did not meet any of the criteria for invitational travel in Appendix E.

(2) (b)(6), (b)(7)c testified his (b)(6), (b)(7)c did not return to (b)(7)c, (b)(6) in contradiction to what was indicated on the (b)(6), (b)(7)c ITO and the signed DD Form 1351-2 travel voucher. There was no indication that (b)(6), (b)(7)c received any additional entitlements or a claim was paid because her travel voucher showed she returned to (b)(7)c, (b)(6) (see analysis in 4b).

(3) (b)(6), (b)(7)c testified (b)(6), (b)(7)c was responsible for approving the travel as the authorizing official, but discussed with (b)(6), (b)(7)c that he was ok with bringing the spouse to NPS. Contrary to his belief that there was no restriction on invitational travel for (b)(6), (b)(7)c and the stated reasons for spouse travel, documentary and testimonial evidence shows that (b)(6), (b)(7)c did not meet any of the criteria for invitational travel in JTR Appendix E.

(4) (b)(6), (b)(7)c testified the travel for (b)(6), (b)(7)c was for a planning meeting and to bring his spouse house hunting, but the initial email to (b)(6), (b)(7)c indicated the ITOs were for house hunting. Although (b)(6), (b)(7)c believed the travel was proper based on her meeting with (b)(6), (b)(7)c the preponderance of credible evidence shows (b)(6), (b)(7)c was not authorized an ITO. Since the ITO was improper, the travel voucher is considered improper.

(5) (b)(6), (b)(7)c was the (b)(7)c, (b)(6) on the travel orders for (b)(6), (b)(7)c. Although (b)(6), (b)(7)c testified he did not remember approving invitational travel for (b)(6), (b)(7)c, evidence shows (b)(6), (b)(7)c was knowledgeable of (b)(6), (b)(7)c travel. He adjusted the travel authorization on 17 December and approved the travel on 18 January, which was the same day (b)(6), (b)(7)c initiated the travel voucher for (b)(6), (b)(7)c. (b)(6), (b)(7)c stated he was familiar with ITOs, yet he testified he was not aware of ITO restrictions for spouse travel. Documentary and testimonial evidence shows (b)(6), (b)(7)c did not meet any of the criteria for invitational travel in JTR, Appendix E. (b)(6), (b)(7)c had reasonable knowledge the intent of (b)(6), (b)(7)c travel was to permanently relocate to Monterey. The preponderance of credible evidence shows (b)(6), (b)(7)c knowingly

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approved the invitational travel orders for (b)(6), (b)(7)c when she did not meet any of the criteria established in JTR Appendix E to warrant invitational travel.

(6) The allegation that (b)(6), (b)(7)c improperly authorized Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations is **substantiated**.

c. Recommendations.

(1) Take appropriate administrative action per DoD Financial Management Regulation (FMR) Volume 8, Chapter 8 to collect the \$532.50 voucher payment for improper ITO travel from (b)(6), (b)(7)c

(2) Take appropriate action to hold the Authorizing Official, (b)(6), (b)(7)c accountable.

(3) NPS Travel Officer conduct training on requirements/restrictions for Invitational Travel to Authorizing Officials to ensure Invitational Travel Authorizations for individual and spouse travel is in accordance with Joint Travel Regulations.

d. Disposition.

7. Fifth Allegation. That (b)(7)c, (b)(6) improperly approved the authorization of Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations. **Substantiated.**

a. Facts.

(1) See facts in paragraph 3a and 5a.

(2) Email dated 14 December 2011 from (b)(6), (b)(7)c
(b)(6), (b)(7)c Subj: Househunting TDY. (b)(6), (b)(7)c would be working with him to create travel orders, and confirms the travel office will create Invitational Travel Orders for him and his (b)(6)

(3) In a 29 March and 27 April 2011 interview, (b)(6), (b)(7)c stated that PCS costs were not authorized, but he received a relocation bonus. (b)(6), (b)(7)c wanted to bring him out for a “pre-planning meeting, meet the staff, discuss my roles and responsibilities, expectations, initial meet and greet type of thing” and this conversation took place in early December. (b)(6), (b)(7)c stated he received (b)(6), (b)(7)c approval to travel to NPS in January because his (b)(6) just had a (b)(6) and there were complications with the recovery. (b)(6), (b)(7)c was contacted by (b)(6), (b)(7)c

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(b)(6), (b)(7)c about arranging the travel and he asked the travel be arranged because he a lot of things going on.

(4) In a 30 March 2011 interview, (b)(6), (b)(7)c stated he may have had a conversation with (b)(6), (b)(7)c about bringing (b)(6), (b)(7)c out to NPS to have face-to-face dialog and discuss job responsibilities. (b)(6), (b)(7)c stated he and (b)(6), (b)(7)c decided mutually that it was a good idea to bring (b)(6), (b)(7)c on travel to NPS. (b)(6), (b)(7)c stated he wouldn't approve the travel without (b)(6), (b)(7)c concurrence, and he was always looking for (b)(6), (b)(7)c approval. (b)(6), (b)(7)c admitted, in hindsight, using the ITO was his fault because he wasn't aware the orders were ITOs and he didn't look at the orders properly when he approved them.

(5) In a 28 March and 26 April 2011 interview, (b)(6), (b)(7)c recalled having a meeting with (b)(6), (b)(7)c about how to fund travel for (b)(6), (b)(7)c. (b)(6), (b)(7)c wanted to bring (b)(6), (b)(7)c out to NPS prior to him starting when he was not authorized a PCS. (b)(6), (b)(7)c stated (b)(6), (b)(7)c directed an ITO be used to fund the travel. (b)(6), (b)(7)c initially stated the travel was for house hunting, but later stated the travel was for a planning meeting and to bring the spouse house hunting. (b)(6), (b)(7)c stated ITOs are used frequently, and sometimes are used for Federal employees. She stated (b)(6), (b)(7)c would approve the exception cases for ITOs such as when an organization cannot use the Line of Accounting (LOA) provided by NPS. (b)(6), (b)(7)c stated she would consult with (b)(6), (b)(7)c three to four times a year to get an exception for using an ITO. (b)(6), (b)(7)c stated there was a precedent set for ITO travel when prospective attaché students were put on ITOs along with their spouses to travel for interviews. Also, ITOs were issued for prospective faculty employees coming to a meeting and then doing some house hunting.

(6) In a 31 March 2011 interview, (b)(6), (b)(7)c stated he offered a "business trip" out to NPS during the job offer discussion with (b)(6), (b)(7)c. The "business trip" was for meetings with supervisors, staff, and to understand the organization. (b)(6), (b)(7)c stated he left the travel arrangements up to his deputy and travel department head, and did not get into the travel methodology or mechanics. (b)(6), (b)(7)c stated he wanted (b)(6), (b)(7)c out to NPS sooner than January, but there were delays because his wife was pregnant, she had complications, and due to the holiday periods. (b)(6), (b)(7)c admitted after reviewing the JTR that his deputy, (b)(6), (b)(7)c made an error in regards to bringing (b)(6), (b)(7)c out to NPS on an ITO.

b. Analysis/Discussion/Conclusion.

(1) (b)(6), (b)(7)c were aware that (b)(6), (b)(7)c was a Federal employee working in the (b)(6), (b)(7)c Office when he accepted the

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position at NPS. Documentary and testimonial evidence shows (b)(6), (b)(7)c did not meet any of the criteria established in JTR Appendix E to warrant Invitational Travel.

(2) A multitude of factors prevented (b)(6), (b)(7)c from traveling on a “business trip” to NPS in early December. (b)(6), (b)(7)c arranged the travel to coincide with his official start date in January and effectively utilized the “business trip” offer to permanently relocate to Monterey (see analysis in 3b).

(3) (b)(6), (b)(7)c was aware (b)(6), (b)(7)c was not authorized ITO orders. (b)(6), (b)(7)c testified ITOs are sometimes used for Federal employees by exception and would get approval from (b)(6), (b)(7)c testified (b)(6), (b)(7)c approved to use an ITO for travel in a meeting with (b)(6), (b)(7)c This was supported by the 14 December 2010 email Subj: Househunting TDY to (b)(6), (b)(7)c

(4) (b)(6), (b)(7)c testified that he would not approve the travel without the concurrence of (b)(6), (b)(7)c

(5) Although (b)(6), (b)(7)c testified he denied specifically discussing using an ITO as the means (mechanics/methodology) to get (b)(6), (b)(7)c out to NPS, conflicting testimony was provided by (b)(6), (b)(7)c testified (b)(6), (b)(7)c approved to use an ITO for travel in a meeting with (b)(6), (b)(7)c (b)(6), (b)(7)c testified that he would not approve the travel without the concurrence of (b)(6), (b)(7)c It was likely the “business trip” intent would have achieved the same goals one week later after (b)(6), (b)(7)c official start date. Evidence shows the true intent of the travel was to relocate (b)(6), (b)(7)c and his family to Monterey. (b)(6), (b)(7)c admitted using an ITO was an error. The preponderance of credible evidence shows (b)(6), (b)(7)c approved the use of Invitational Travel Orders as a means of providing travel for (b)(6), (b)(7)c to NPS.

(6) The allegation that (b)(6), (b)(7)c improperly approved the authorization of Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations is **substantiated**.

c. Recommendations. Take appropriate administrative action to hold (b)(6), (b)(7)c accountable.

d. Disposition.

8. Sixth Allegation. That (b)(6), (b)(7)c improperly approved the authorization of Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations. **Substantiated.**

a. Facts.

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(1) See facts in paragraph 3a, 6a and 7a.

(2) In a 29 March and 27 April 2011 interview, (b)(6), (b)(7)c stated he was contacted by (b)(6), (b)(7)c and (b)(6), (b)(7)c about arranging the travel and asked the travel be arranged because he a lot of things going on. He told (b)(6), (b)(7)c he wanted to bring his (b)(6) and (b)(6), (b)(7)c asked for his (b)(6) information. (b)(6), (b)(7)c initially stated he didn't remember specifically if his (b)(6) received an ITO until the orders were shown to him, and then stated he didn't remember because he thought the orders were "just for myself." (b)(6), (b)(7)c stated his (b)(6) stayed at the hotel room during the trip and she did not return to Virginia.

(3) In a 30 March 2011 interview, (b)(6), (b)(7)c stated he did not recall the Travel Authorization for (b)(6), (b)(7)c but recalled authorizing travel for (b)(6), (b)(7)c recalled asking (b)(6), (b)(7)c if she could help facilitate travel for (b)(6), (b)(7)c stated he was familiar with ITOs, but did not know about spouse restrictions for ITO travel. (b)(6), (b)(7)c admitted, in hindsight, using the ITO was his fault because he wasn't aware the orders were ITOs and he didn't look at the orders properly when he approved them.

(4) In a 28 March and 26 April 2011 interview, (b)(6), (b)(7)c stated (b)(6), (b)(7)c is the (b)(6), (b)(7)c for all travel in the Finance Department, and the AO makes the determination for spouse travel. (b)(6), (b)(7)c initially stated the travel for (b)(6), (b)(7)c was for house hunting, but later stated the travel was for a planning meeting and to bring his spouse house hunting. (b)(6), (b)(7)c recalled having a meeting with (b)(6), (b)(7)c and (b)(6), (b)(7)c approved spouse travel.

(5) In a 31 March 2011 interview, (b)(6), (b)(7)c stated his opinion and perspective of (b)(6), (b)(7)c travel was to give the spouse the opportunity to come out and see the area, be here during the time we're meeting with him, have the opportunity to see if this is a place to live, or look for places to live or all that type of thing. (b)(6), (b)(7)c believed since the (b)(6), (b)(7)c were moving 3,000 miles, it was appropriate for a spouse to take a look at the area that she may be living in. (b)(6), (b)(7)c stated he did review the JTR and believed there were no restrictions on the invitational travel for (b)(6), (b)(7)c and stated "an invitation to travel for a spouse or for anyone for that matter... invitational travel orders are issued for a variety of reasons which are acceptable." (b)(6), (b)(7)c stated there was discussion with (b)(6), (b)(7)c about the spouse traveling to Monterey and he was ok with bringing the spouse to Monterey.

b. Analysis/Discussion/Conclusion

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(1) At no time did (b)(6), (b)(7)c testify (b)(6), (b)(7)c was performing any type of official activity that would warrant Invitational Travel Orders as outlined in JTR Appendix E.

(2) (b)(6), (b)(7)c testified she believed (b)(6), (b)(7)c was traveling to Monterey for house hunting.

(3) (b)(6), (b)(7)c was the (b)(6), (b)(7)c on the travel orders for (b)(6), (b)(7)c but testified he did not remember approving invitational travel orders for (b)(6), (b)(7)c. Evidence shows (b)(6), (b)(7)c was knowledgeable of (b)(6), (b)(7)c travel. Testimony and analysis in paragraph 7 shows that (b)(6), (b)(7)c would not approve ITO travel without (b)(6), (b)(7)c concurrence and approval. (b)(6), (b)(7)c stated he was familiar with ITOs, yet testified he was not aware of ITO restrictions for spouse travel.

(4) (b)(6), (b)(7)c erroneously believed there were no restrictions on invitational travel for (b)(6), (b)(7)c reasons for (b)(6), (b)(7)c travel (have the opportunity to see if this is a place to live or look for places to live) did not meet the criteria outlined for invitational travel in JTR Appendix E. (b)(7)c testified he discussed with (b)(6), (b)(7)c and (b)(6), (b)(7)c that he was ok with bringing the (b)(6), (b)(7)c to Monterey with her (b)(6), (b)(7)c. This discussion implied (b)(6), (b)(7)c approved Invitational Travel Orders for (b)(6), (b)(7)c. The preponderance of credible documentary and testimonial evidence shows (b)(6), (b)(7)c was unaware of restrictions and criteria for invitational travel outlined in JTR Appendix E when he approved bringing (b)(6), (b)(7)c to Monterey with her (b)(6), (b)(7)c.

(5) The allegation that (b)(6), (b)(7)c improperly approved the authorization of Invitational Travel Orders for (b)(6), (b)(7)c in violation of the Joint Travel Regulation (JTR) Appendix E: Invitational Travel Authorizations is **substantiated**.

c. Recommendations. Take appropriate administrative action to hold (b)(6), (b)(7)c accountable.

d. Disposition.

9. Seventh Allegation. That (b)(6), (b)(7)c improperly certified an invitational travel voucher for (b)(6), (b)(7)c in violation of Title 31 United States Code § 3528 Responsibilities and Relief from Liability of Certifying Officials. **Substantiated.**

a. Facts.

(1) See facts in paragraph 3a through 7a.

(2) Title 31 United States Code § 3528 Responsibilities and Relief from Liability of Certifying Officials, states, in part, that:

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“(a) A certifying officer certifying a voucher is responsible for –

(1) information stated in the certificate, voucher, and supporting records...

(4) repaying a payment –

(A) illegal, improper, or incorrect because of an inaccurate or misleading certificate...”

(3) Department of Defense (DoD) Financial Management Regulation (FMR), Volume 5, Chapter 33, paragraph 3309, Pecuniary Liability, states, in part, that:

(a) Paragraph 330903 states “Under 31 U.S.C. 3528 and other applicable law, a certifying officer is pecuniarily liable for payments resulting from improper certifications.”

(b) Paragraph 330903 states “Certifying officers...are pecuniarily liable if there is a fiscal irregularity...A fiscal irregularity is a physical loss...or an erroneous (i.e., illegal, improper, or incorrect) payment.”

(c) Paragraph 330904 states “So long as certifying officers and DOs (Dispersing Officers) pursue diligent collection action, they are not pecuniarily liable for payments on vouchers not selected for review based on the use of approved sampling procedures...”

(4) Email dated 14 December 2010 from (b)(6), (b)(7)c .
(b)(6), (b)(7)c Subj: Househunting TDY. (b)(6), (b)(7)c would be working with him to create travel orders, and confirms the travel office will create Invitational Travel Orders for him and his (b)(6), (b)(7)c

(5) Defense Travel System (DTS) invitational travel authorization for (b)(6), (b)(7)c shows an itinerary from his residence in (b)(7)c to Monterey and return to his residence from 8-15 January 2011. The authorization was generated by (b)(6), (b)(7)c on 15 December 2010 and approved by (b)(6), (b)(7)c on 17 December 2010.

(6) The DD Form 1351-2 Travel Voucher was signed by (b)(6), (b)(7)c on 18 January 2011 and the DTS travel voucher was generated. (b)(6), (b)(7)c shows his itinerary in DD Form 1351-2 block 15 as travel from his residence in (b)(7)c to Monterey and return to his residence in (b)(6), (b)(7)c The travel voucher shows that he personally procured a one-way ticket for \$481.20, charged \$71 for rental car gas, \$518.73 for a rental car, \$532 for

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lodging, and \$1,064.50 for Per Diem. The total claimed and paid was \$2,135.43. (b)(6), (b)(7)c certifying officer, approved the voucher.

(7) Email dated 18 January 2011 from (b)(6), (b)(7)c Subj: Rental Car Upgrade for (b)(6), (b)(7)c if he would approve a rental car upgrade for (b)(6), (b)(7)c because he needed a larger car due to excess baggage. This request was after (b)(6), (b)(7)c traveled. (b)(6), (b)(7)c approved the upgrade the same day. The email was sent when (b)(6), (b)(7)c filed his travel voucher on 18 January 2011.

(8) In a 31 March 2011 interview, (b)(6), (b)(7)c stated he offered a "business trip" out to NPS during the job offer discussion with (b)(6), (b)(7)c stated he left the travel arrangements up to his deputy and travel department head, and did not get into the travel methodology or mechanics. (b)(6), (b)(7)c admitted after reviewing the JTR that his deputy, (b)(6), (b)(7)c made an error in regards to bringing (b)(6), (b)(7)c out to NPS on an ITO. (b)(6), (b)(7)c was aware (b)(6), (b)(7)c did not travel back to on 15 January 2011.

(9) In a 30 March 2011 interview, (b)(6), (b)(7)c stated there were cases when he deferred to the travel office for their guidance and expertise. (b)(6), (b)(7)c asked (b)(6), (b)(7)c if she could help facilitate travel for (b)(6), (b)(7)c and he authorized the ITO on 17 December. (b)(6), (b)(7)c stated he and (b)(6), (b)(7)c decided mutually that it was a good idea to bring (b)(6), (b)(7)c on travel out to NPS. (b)(6), (b)(7)c stated he wouldn't approve the travel without (b)(7)c concurrence, and he was always looking for (b)(6), (b)(7)c approval. (b)(6), (b)(7)c was aware (b)(6), (b)(7)c did not return to in January 2011. (b)(6), (b)(7)c stated he was familiar with ITOs and that Federal employees are generally not authorized ITOs. (b)(6), (b)(7)c admitted, in hindsight, using the ITO was his fault because he wasn't aware the orders were ITOs and he didn't look at the orders properly when he approved them.

(10) In a 28 March and 26 April 2011 interview, (b)(6), (b)(7)c stated she recalled having a meeting with (b)(6), (b)(7)c about how to fund travel for (b)(6), (b)(7)c (b)(6), (b)(7)c wanted to bring (b)(6), (b)(7)c out to NPS prior to him starting when he was not authorized a PCS. (b)(6), (b)(7)c was aware (b)(6), (b)(7)c was a Federal employee. (b)(6), (b)(7)c stated (b)(6), (b)(7)c directed an ITO be used to fund the travel. (b)(6), initially stated the travel was for house hunting, but later stated the travel was for a planning meeting and to bring the spouse house hunting. stated ITOs are sometimes used for Federal employees. She stated would approve the exception cases for ITOs such as when an organization cannot use the Line of Accounting (LOA) provided by NPS. stated she would consult with three to four times a year to get an exception for using an ITO. stated there was a precedent set for ITO travel when prospective attaché students were put on ITOs along with their spouses to travel for interviews. Also, ITOs were issued for prospective faculty employees coming to a meeting and then doing some house hunting. was aware of the JTR and the local SOP on ITOs. stated she

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assisted (b)(6), (b)(7)c with filing his travel voucher by inputting the travel data and printing out the DD Form 1351-2 for him to sign. (b)(6), (b)(7)c stated there was no difference in terms of entitlements and no additional per diem for not taking the return trip off the voucher. (b)(6), (b)(7)c stated that DTS needed a starting point and ending point on the travel voucher to properly process the payment. (b)(6), (b)(7)c stated (b)(6), (b)(7)c was authorized to return to and it was (b)(6), (b)(7)c choice not to return. (b)(6), (b)(7)c knew that (b)(6), (b)(7)c did not return to (b)(6), (b)(7)c was the certifying officer for payment of the ITO travel voucher for (b)(6), (b)(7)c stated she recently had travel training in April 2011, and recognized the ITO travel for should have been a routine travel order.

b. Analysis/Discussion/Conclusion

(1) See analysis in 3b through 7b. The preponderance of documentary and testimonial evidence shows (b)(6), (b)(7)c did not meet any of the criteria established in JTR Appendix E to warrant Invitational Travel.

(2) (b)(6), (b)(7)c were aware (b)(6), (b)(7)c was a Federal employee when he accepted the position at NPS. Initial emails on the travel indicated the purpose was for house hunting. (b)(6), (b)(7)c admitted that using an ITO was an error. (b)(6), (b)(7)c admitted using the ITO was his fault because he wasn't aware the orders were ITOs and he didn't look at the orders properly when he approved them.

(3) (b)(6), (b)(7)c testified she directed the travel order be generated based on guidance from (b)(6), (b)(7)c and certified the payment of the voucher. Although (b)(6), (b)(7)c believed the travel was proper based on her meeting with (b)(6), (b)(7)c the preponderance of credible evidence shows (b)(6), (b)(7)c was not authorized an ITO because he was a Federal employee and did not meet any of the criteria in JTR Appendix E to warrant invitational travel. Since the ITO was improper, the travel voucher is considered improper. (b)(6), (b)(7)c testified she assisted (b)(6), (b)(7)c by generating the DD Form 1351-2, printing it, and having (b)(6), (b)(7)c sign the form. (b)(6), (b)(7)c did not receive any additional entitlements for the travel based on the DD Form 1351-2 showing he returned to (b)(6), (b)(7)c testified that DTS needed a starting point and ending point to properly process the payment and resulted in her actions to include the return to (b)(6), (b)(7)c on the DD Form 1351-2. The ITO travel voucher could not be certified unless it showed a roundtrip. Ms. Aguilar had personal knowledge that (b)(6), (b)(7)c did not return to (b)(6), (b)(7)c and the certified voucher that included incorrect information indicating (b)(6), (b)(7)c return to (b)(6), (b)(7)c The preponderance of evidence shows (b)(6), (b)(7)c knowingly certified an improper travel voucher that included incorrect information. As the voucher payment certifying officer for travel, (b)(6), (b)(7)c is personally accountable and responsible for verifying that all payments are legal, proper, and correct. The ITO was improper because (b)(6), (b)(7)c

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should not have been authorized Invitational Travel, and the ITO travel voucher included incorrect information when (b)(6), (b)(7)c certified the voucher.

(4) The allegation that (b)(6), (b)(7)c improperly certified an invitational travel voucher for (b)(6), (b)(7)c in violation of Title 31 United States Code § 3528 Responsibilities and Relief from Liability of Certifying Officials is **substantiated**.

c. Recommendations.

(1) Take appropriate administrative action to hold the Travel Voucher Certifying Officer, (b)(6), (b)(7)c accountable.

(2) Travel Voucher Certifying Officer pursues diligent collection action per DoD FMR Volume 5, Chapter 33 to recover the improper payment to (b)(6), (b)(7)c or be held pecuniarily liable for \$2,135.43 for certifying an improper and incorrect travel voucher.

d. Disposition.

10. Eight Allegation. That (b)(6), (b)(7)c improperly certified an invitational travel voucher for (b)(6), (b)(7)c in violation of Title 31 United States Code § 3528 Responsibilities and Relief from Liability of Certifying Officials. **Substantiated.**

a. Facts.

(1) See facts in paragraph 3a through 9a.

(2) Title 31 United States Code § 3528 Responsibilities and Relief from Liability of Certifying Officials, states, in part, that:

“(a) A certifying officer certifying a voucher is responsible for –

(1) information stated in the certificate, voucher, and supporting records...

(4) repaying a payment –

(A) illegal, improper, or incorrect because of an inaccurate or misleading certificate...”

(3) Department of Defense (DoD) Financial Management Regulation (FMR), Volume 5, Chapter 33, paragraph 3309, Pecuniary Liability, states, in part, that:

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(a) Paragraph 330903 states "Under 31 U.S.C. 3528 and other applicable law, a certifying officer is pecuniarily liable for payments resulting from improper certifications."

(b) Paragraph 330903 states "Certifying officers...are pecuniarily liable if there is a fiscal irregularity...A fiscal irregularity is a physical loss...or an erroneous (i.e., illegal, improper, or incorrect) payment."

(c) Paragraph 330904 states "So long as certifying officers and DOs (Dispersing Officers) pursue diligent collection action, they are not pecuniarily liable for payments on vouchers not selected for review based on the use of approved sampling procedures..."

(4) Defense Travel System (DTS) invitational travel authorization for (b)(6), (b)(7)c shows an itinerary from her residence in (b)(7)c to Monterey and return to her residence from 8-15 January 2011. The authorization was generated by (b)(6), (b)(7)c on 15 December 2010, adjusted by (b)(6), (b)(7)c on 17 December 2010, and approved by (b)(6), (b)(7)c on 18 January 2011.

(5) The DD Form 1351-2, Travel Voucher was signed by (b)(6), (b)(7)c on 18 January 2011 and the DTS travel voucher. (b)(6), (b)(7)c shows her itinerary in DD Form 1351-2 block 15 as travel from her residence in (b)(7)c to Monterey and return to her residence in (b)(7)c. The travel voucher shows that she received \$532.50 Per Diem for the travel. The total claimed and paid was \$532.50. (b)(6), (b)(7)c, certifying officer, approved the voucher on 19 January 2011.

(6) Email dated 14 December 2010 from (b)(6), (b)(7)c (b)(6), (b)(7)c Subj: Househunting TDY. (b)(6), (b)(7)c would be working with him to create travel orders, and confirms the travel office will create Invitational Travel Orders for him and his (b)(7)c

(7) In a 29 March and 27 April 2011 interview, (b)(6), (b)(7)c stated he was contacted by (b)(6), (b)(7)c about arranging the travel. (b)(6), (b)(7)c that he wanted to bring his (b)(6) and (b)(6), (b)(7)c; asked for his (b)(6) information. (b)(6), (b)(7)c stated his (b)(7)c stayed at the hotel room during the trip and she did not return to (b)(6), (b)(7)c

(8) In a 30 March 2011 interview, (b)(6), (b)(7)c stated he did not recall the Travel Authorization for (b)(6), (b)(7)c; but recalled authorizing travel for (b)(6), (b)(7)c recalled asking (b)(6), (b)(7)c if she could help facilitate travel for (b)(6), (b)(7)c stated he was familiar with ITOs, but did not know about spouse restrictions for ITO travel. (b)(6), (b)(7)c admitted, in hindsight, using the ITO was his fault because he

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wasn't aware the orders were ITOs and he didn't look at the orders properly when he approved them.

(9) In a 31 March 2011 interview, (b)(6), (b)(7)c stated his opinion and perspective of (b)(6), (b)(7)c travel was to give the spouse the opportunity to come out and see the area, be here during the time we're meeting with him, have the opportunity to see if this is a place to live, or look for places to live or all that type of thing. (b)(7)c believed since the (b)(6), (b)(7)c were moving 3,000 miles, it was appropriate for a spouse to take a look at the area that she may be living in. (b)(7)c stated he did review the JTR and believed there were no restrictions on the invitational travel for (b)(6), (b)(7)c and stated "an invitation to travel for a spouse or for anyone for that matter... invitational travel orders are issued for a variety of reasons which are acceptable." (b)(6), (b)(7)c stated there was discussion with (b)(6), (b)(7)c about the spouse traveling to Monterey and he was ok with bringing the spouse to Monterey.

(10) In a 28 March and 26 April 2011 interview, (b)(6), (b)(7)c stated she recalled having a meeting with (b)(6), (b)(7)c when (b)(6), (b)(7)c approved the spouse travel. (b)(6), (b)(7)c initially stated the travel was to bring the spouse house hunting. (b)(6), (b)(7)c is the (b)(6), (b)(7)c for all travel in the Finance Department, and the AO makes the determination for spouse travel. (b)(6), (b)(7)c r stated there was a precedent set for ITO travel when prospective attaché students were put on ITOs along with their spouses to travel for interviews. Also, ITOs were issued for prospective faculty employees coming to a meeting and then doing some house hunting. (b)(6), (b)(7)c stated she printed the DD Form 1351-2 for (b)(6), (b)(7)c r and give it to (b)(6), (b)(7)c returned the DD Form 1351-2 the following day and it was signed by (b)(6), (b)(7)c was the certifying officer for payment of the ITO travel voucher for (b)(6), (b)(7)c knew that (b)(6), (b)(7)c did not return to (b)(7)c

b. Analysis/Discussion/Conclusion

(1) See analysis in 3b through 9b. The preponderance of documentary and testimonial evidence shows that (b)(6), (b)(7)c r did not perform any type of official activity that would warrant Invitational Travel Orders as outlined JTR Appendix E.

(2) (b)(6), (b)(7)c ; erroneously believed there were no restrictions on invitational travel for (b)(6), (b)(7)c ; reasons for (b)(6), (b)(7)c ; travel (have the opportunity to see if this is a place to live or look for places to live) did not meet the criteria outlined for invitational travel in JTR Appendix E.

(3) (b)(6), (b)(7)c p testified he was familiar with ITOs, but did not know about spouse restrictions for ITO travel.

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(4) (b)(6), (b)(7)c testified she directed the travel order be generated based on guidance from (b)(6), (b)(7)c and certified the payment of the voucher. Although (b)(6), (b)(7)c believed the travel was proper based on her meeting with (b)(6), (b)(7)c the preponderance of credible evidence shows (b)(6), (b)(7)c was not authorized an ITO because she did not meet any of the criteria in JTR Appendix E to warrant invitational travel. Since the ITO was improper, the travel voucher is considered improper. (b)(6), (b)(7)c testified she generated (b)(6), (b)(7)c DD Form 1351-2, and give it to (b)(6), (b)(7)c to bring to his spouse. The DD Form 1351-2 was processed the following day. (b)(6), (b)(7)c testified that DTS needed a starting point and ending point to properly process the payment and resulted in her actions to include the return to (b)(7)c on the DD Form 1351-2. The ITO travel voucher could not be certified unless it showed a roundtrip. (b)(6), (b)(7)c had personal knowledge that (b)(6), (b)(7)c did not return to (b)(6), (b)(7)c and the certified voucher that included incorrect information indicating (b)(6), (b)(7)c return to (b)(7)c, (b)(6). The preponderance of evidence shows (b)(7)c knowingly certified an improper travel voucher that included incorrect information. As the voucher payment certifying officer for travel, Ms. Aguilar is personally accountable and responsible for verifying that all payments are legal, proper, and correct. The ITO was improper because (b)(6), (b)(7)c should not have been authorized Invitational Travel, and the ITO travel voucher included incorrect information when (b)(6), (b)(7)c certified the voucher.

(5) The allegation that (b)(6), (b)(7)c improperly certified an invitational travel voucher for (b)(6), (b)(7)c in violation of Title 31 United States Code § 3528 Responsibilities and Relief from Liability of Certifying Officials is **substantiated**.

c. Recommendations.

(1) Take appropriate administrative action to hold the Travel Voucher Certifying Officer, (b)(6), (b)(7)c, accountable.

(2) Travel Voucher Certifying Officer pursues diligent collection action per DoD FMR Volume 5, Chapter 33 to recover the improper payment to (b)(6), (b)(7)c or be held pecuniarily liable for \$532.50 for certifying an improper and incorrect travel voucher.

d. Disposition.

11. Interviews and Documents

a. Interviews conducted. (All interviews were conducted in person unless otherwise noted).

(1) (b)(6), (b)(7)c

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(b)(6), (b)(7)c

b. Documents reviewed.

(1) Email complaint.

(2) (b)(6), (b)(7)c travel order (12LWLY) dated 17 December 2010 and related signed travel voucher dated 18 January 2011, receipts/attachments and Defense Travel Systems documentation. Travel authorization was approved by (b)(7)c on 18 December 2010.

(3) (b)(6), (b)(7)c travel order (12X9CC) dated 17 December 2010 and related signed travel voucher dated 18 January 2011, receipts/attachments and Defense Travel Systems documentation. Travel authorization was adjusted by (b)(6), (b)(7)c on 18 December 2010 and approved on 18 January 2011.

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(5) Email dated 14 December 2011 from (b)(6), (b)(7)c

be working with him to create travel orders, and confirms the travel office will create Invitational Travel Orders for him and his (b)(6)

(6) Email dated 15 December 2011 from (b)(6), (b)(7)c
(b)(6), (b)(7)c Subj: Househunting TDY. (b)(6), (b)(7)c he will fly into Monterey on January 8th.

(7) Email dated 17 December 2011 from (b)(6), (b)(7)c, Subj:
(b)(6), (b)(7)c r called asking why she needed his

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credit card information. (b)(6), (b)(7)c she needed the information to reserve the hotel room.

(8) Email dated 17 December 2011 from (b)(6), (b)(7)c Subj: Job Order to be used for (b)(6), (b)(7)c travel. (b)(6), (b)(7)c provided the job order for the travel order Line Of Accounting (LOA).

(9) Email dated 17 December 2011 from (b)(6), (b)(7)c Subj: More (b)(6), (b)(7)c about lodging a lodging allowance and tells her that (b)(6), (b)(7)c should not both be entitled to separate lodging allowances. (b)(6), (b)(7)c that "Lodging for (b)(6), (b)(7)c has been removed... You can Approve now."

(10) Email from (b)(6), (b)(7)c dated 17 December 2010; Subj: Job Order to be used for (b)(6), (b)(7)c travel. Email was cc'd to (b)(6), (b)(7)c (b)(6), (b)(7)c to use D2100 job order to (b)(6), (b)(7)c travel.

(11) Email from (b)(6), (b)(7)c dated 30 March 2011; Subj: FW: Rental Car Upgrade for (b)(6), (b)(7)c. This email shows that (b)(6), (b)(7)c approve a rental car upgrade due to excess baggage on 18 January 2011. (b)(7)c, (b)(6) approved the rental car upgrade the same day.

(12) Joint Travel Regulation (JTR).

(13) Title 31 United States Code § 3729.

(14) Title 31 United States Code § 3528.

(15) NPS Standing Operating Procedure for Submitting Invitational Travel Orders (ITO) for the Defense Travel System dated 12 July 2010.


(16) Department of Defense (DoD) Financial Management Regulation (FMR), Volume 5, Chapter 33 and Volume 9, Chapter 2.

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INVESTIGATING OFFICER:

CONCUR:

(b)(6), (b)(7)c



APPROVED:



DANIEL T. OLIVER
President
Naval Postgraduate School

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